

N.E., Appellant

**U.S. POSTAL SERVICE, MARGARET L.
SELLERS PROCESSING & DISTRIBUTION
FACILITY, San Diego, CA, Employer**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Before:

¹ The record provided to the Board includes evidence received after OWCP issued its February 24, 2021 decision. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

previously sustained a work-related right knee injury that required surgical intervention. Appellant stopped work that day. OWCP assigned the present claim OWCP File No. xxxxxx364.²

In support of his claim, appellant submitted medical evidence, a narrative statement, and witness statements.

In a January 20, 2021 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish the claim and afforded appellant 30 days to submit the necessary evidence.

Appellant submitted additional medical evidence.

By decision dated February 24, 2021, OWCP denied appellant's claim. It accepted that the December 29, 2020 employment incident occurred as alleged and that a right knee condition had been diagnosed, however, it denied his claim finding that he had not established causal relationship between the accepted employment incident and the diagnosed condition.

The Board has duly considered the matter and concludes that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.³ For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.⁴ In the present claim, appellant alleged a right knee injury. OWCP had previously accepted a traumatic injury for a medial meniscus tear of the right knee under OWCP File No. xxxxxx683. However, appellant's right knee claims have not been administratively combined.

For a full and fair adjudication of appellant's current claim, the case shall be remanded to OWCP to administratively combine the current case record under OWCP File No. xxxxxx364 with appellant's prior claim under OWCP File No. xxxxxx683.⁵ Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision.⁶

² The record reflects that appellant has a previously accepted a traumatic injury claim for other tear of medial meniscus of the right knee under OWCP File No. xxxxxx683.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

⁴ *Id.*; *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

⁵ *Id.*

⁶ *R.G.*, Docket No. 19-1755 (issued July 7, 2020); *L.M.*, *supra* note 4.

IT IS HEREBY ORDERED THAT the February 24, 2021 decision of the Office of Workers Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: May 6, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board